

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Joseph R. Coppola,

Petitioner

v.

Warden Christopher Chestnut

Respondent

Case No.: 2:23-cv-01426-JAD-VCF

Order Dismissing and Closing Case

Petitioner Joseph R. Coppola has filed what he styled a *pro se* 28 U.S.C. § 2241 habeas corpus petition.¹ He indicates in his petition, however, that he seeks to challenge the computation of his sentence in his federal criminal case no. 2:99-cr-00217-APG-LRL. On initial review under the Habeas Rules,² I find that this petition was improperly commenced, so I dismiss it and close this case.

In order to challenge a *federal* criminal conviction, Coppola must file a § 2255 motion to vacate, set aside or correct that sentence. A § 2255 motion must be filed in the underlying federal criminal case itself, not in a separate action. Accordingly, this action fails to state a claim for which relief may be granted.³

¹ ECF No. 1.

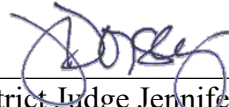
² Habeas petitions brought under 28 U.S.C. § 2241 may be subjected to the same screening requirements that apply to habeas petitions brought under 28 U.S.C. § 2254. *See* Rules 1(b) and 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

³ I note that United States District Judge Gloria M. Navarro recently dismissed a § 2241 petition Coppola had filed attempting to challenge the same criminal conviction and informed him that he needed to seek relief in the criminal case itself. *See* case no. 2:23-cv-00907-GMN-NJK.

1 IT IS THEREFORE ORDERED that this action is **DISMISSED** for failure to state a
2 claim for which relief may be granted.

3 IT IS FURTHER ORDERED that a certificate of appealability will not issue, as jurists of
4 reason would not find the court's dismissal of this action to be debatable or incorrect.

5 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
6 CASE.

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8 U.S. District Judge Jennifer A. Dorsey
9 October 26, 2023
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